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AUG 15 2012

N.J. BOARD OF NURSING

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	
	:	Administrative Action
PATRICIA A. CONFER, LPN	:	
License No. 26NP02768400	:	
	:	FINAL ORDER
	:	OF DISCIPLINE
TO PRACTICE NURSING	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Patricia A. Confer ("Respondent") is licensed as a Licensed Practical Nurse (LPN) in the State of New Jersey and has been a licensee at all relevant times.
2. On or about December 20, 2010 the Board sent Respondent a Demand for Written Statement Under Oath ("Demand") requesting information from Respondent. The Demand requested that Respondent provide responses to ten (10) questions, including question 3 which asks "Have you taken continuing education courses within the last two (2) years? If yes, please provide submit the certificate(s) of completion."

3. The Board received a letter dated January 17, 2011 from Respondent's attorney containing Respondent's answers to the ten questions. In response to the Continuing Education question, Respondent answered "no" to question 3 indicating that she had not taken any continuing education courses during the requested time period.

4. On or about May 25, 2011, Respondent completed her biennial license renewal online for the period of June 1, 2011 - May 31, 2013. The online renewal contains a question which asks "Will you have completed the required continuing education credits by May 31, 2011?" Respondent answered "yes" and certified that answer to be true by submitting the online application.

5. On or about April 4, 2012 the Board sent Respondent a letter requesting information from Respondent. The letter requested that Respondent provide proof of completion of 30 hours of continuing education hours for the biennial renewal cycle of June 1, 2009 through May 31, 2011 as well as provide certificates of completion for any courses taken since the end of that biennial period.

6. On or about April 20, 2012 Respondent forwarded seven certificates of completion, all of which were issued on April 18, 2012. In total, the seven certificates represent 54 continuing education hours.

CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:37-5.3, a nurse shall complete a minimum of 30 hours of continuing education per biennial period. Falsification of any information submitted on the renewal application may result in penalties and/or suspension or revocation of the license. N.J.A.C. 13:37-5.3(a). Additionally, a registered professional nurse or licensed practical nurse shall maintain continuing education compliance documentation for a period of four years after completion of the hours and shall submit such documentation to the Board upon request. N.J.A.C. 13:37-5.3(f).

Respondent's failure to complete 30 hours of continuing education during the 6/1/09 - 5/31/11 biennial period constitutes a violation of N.J.A.C. 13:37-5.3, which the Board deems professional misconduct within the intendment of N.J.S.A. 45:1-21(e) and also constitutes a violation or failure to comply with a regulation administered by the Board within in the intendment of N.J.S.A. 45:1-21(h). Further, the Board finds that Respondent's submission of her 2011 renewal, wherein she answered affirmatively that she had completed, or would complete, the required continuing education, and subsequent failure to provide documentation of completion, constitutes the use or employment of dishonesty, deception, or misrepresentation

within the intendment of N.J.S.A. 45:1-21(b). See also N.J.A.C. 13:37-5.3.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on June 6, 2012, ordering that respondent be reprimanded for violations of N.J.S.A. 45:1-21(b), (e) and (h). The Provisional Order of Discipline additionally required respondent to pay \$250.00 in civil penalties. Finally, the Provisional Order of Discipline also mandated that thirty (30) of the fifty-four (54) continuing education hours that Respondent provided shall be applied to satisfy the continuing education requirements for the June 1, 2009 through May 31, 2011 biennial period, and not the current biennial period.

Copies of the Provisional Order were forwarded to respondent at the last known address on file with the Board by certified and regular mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry of that Provisional Order, unless respondent requested a modification or dismissal of the Findings of Fact or Conclusions of Law. The Provisional Order instructed respondent that she could request a modification or dismissal of the Provisional Order by submitting a written request for modification or dismissal setting forth in writing any and all

reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefore.

Although the record reflects that the Provisional Order was served upon Respondent, no response has been received to date. Accordingly the Board considered the matter, determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 15th day of August, 2012,
ORDERED that:

1. Respondent is hereby reprimanded for her violations of N.J.S.A. 45:1-21 (b), (e), and (h).

2. A civil penalty in the amount of two hundred dollars fifty dollars (\$250.00) is hereby imposed upon Respondent. Payment shall be made by certified check or money order payable to "State of New Jersey," delivered to George Hebert, Executive Director, State of Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after the entry of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

3. Thirty (30) of the fifty-four (54) continuing education hours that Respondent provided shall be applied to satisfy the continuing education requirements for the June 1, 2009 through May 31, 2011 biennial period. These thirty (30) credits shall not be applied to the current biennial period. The remaining twenty-four (24) continuing education hours may be used towards partial satisfaction of the requirements for the current biennial cycle.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PhD, APRN, FAAN
Patricia Murphy, PhD, APN
Board President